War, appointed him Commander of the Southwestern Front. Immediately Kornilov sent an ultimatum to the Provisional Government (actually non-existent) demanding that it stop the offensive and reorganize the army on the basis of strict discipline. Both demands were sensible in appearance. Our offensive had already been stopped by the Germans, and tighter army discipline was overdue. What was new in his demands was the arrogant style and the prominent place they gave to restoration of the death penalty in the army.

When the new government was formed, it did not try to curb the roaring General. On July 25 it passed its first decree, reintroducing the death penalty for acts of treason at the front. This provoked passionate dispute, widened the split between the right and left wings in the All-Russian Executive Committee, and gave new fuel for Communist propaganda; but it had little, if any, effect on the army.[7] In our drive to revive the Twelfth Army, we occasionally warned the left-wing political leaders in Riga that they would force us to introduce martial courts, but we never used this threat with rioting soldiers. Although opposed to capital punishment in principle, I recognized that in war a situation may develop in which death becomes the inevitable punishment for most heinous crimes. But this question did not interest me then. I was thinking of ways to restore psychological equilibrium to the sick troops, and I knew the threat of court-martial and the death penalty could not serve this purpose. Moreover, in prison I had seen too many people who expected the death sentence or had been condemned and were awaiting execution to believe that a law imposing the death penalty intimidates.

Meanwhile, the High Command in Mogilev demanded that the government repeal the Declaration of Soldiers' Rights, dissolve the elected committees, and extend the death penalty generally. This was an outburst of madness rather than a political program. There was not the slightest chance of carrying out such measures against the unanimous opposition of the masses of soldiers. A revival of the army on the basis of strict discipline could be achieved only through co-operation of the commanding personnel with soldiers' organizations. But, having broken with the Soviets, Kerensky was too weak to resist the pressure of the strong, single-purposed men in Mogilev. On August 6 he made Kornilov Supreme Commander and appointed Savinkov Deputy Minister of War. Now Russia had two governments: the

[7] This decree was never enforced. In fact, it could not be enforced. It required the formation of a martial court (three officers and three soldiers), and it was very doubtful whether the soldier-judges would ever return a verdict of "guilty" in cases in which the defendant faced the death penalty. A case of obvious, arrogant mutiny and treason was submitted to a court-martial on the Southern Front, and the defendant was acquitted by a split vote of the court.